

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN B. TURNER,

Plaintiff,

v.

MELODY SMITH, ET AL.,

Defendants.

No. C 11-05176 CRB

**ORDER VACATING HEARING AND
DIRECTING PARTIES TO SUBMIT
FURTHER BRIEFING**


The Court VACATES the hearing set for January 20, 2017 and ORDERS the parties to submit further briefing on the following question:

Are Defendants Sims, Smith, and/or Bent entitled to summary judgment on the claim that Turner's arrest in December 2011 violated his First Amendment rights because it was made in retaliation for refusing to drop pending lawsuits?

Defendants shall have 14 days to file an opening brief that is no longer than 10 pages. Plaintiff shall 7 days after the opening brief is due to file a response that is no longer than 10 pages. Defendants shall have 7 days after the response is due to file a reply that is no longer than 5 pages. The parties are to address only the above question. If the Court finds that the motions for summary judgment cannot be resolved without oral argument pursuant to Local Rule 7-1(b), it will set a hearing date in a future order.

IT IS SO ORDERED.

Dated: January 18, 2017



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE